

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:24-cr-103-DPG-LGI

JODY E. OWENS II,  
CHOKWE ANTAR LUMUMBA, and  
AARON B. BANKS

**UNITED STATES' REPLY TO DEFENDANT'S RESPONSE  
TO THE UNITED STATES' MOTION FOR A PROTECTIVE ORDER**

The United States, by and through undersigned counsel, hereby replies to Defendant Aaron B. Banks's response to the government's motion for a protective order governing discovery in this case.

The government seeks the protective order to streamline the discovery process and provide the defense with unredacted witness statements, grand jury materials, and other sensitive law enforcement materials like confidential human source reporting. The protective order would prevent the defendants from disseminating these materials outside of the defense team and mandates that the material be used solely for the purposes of litigating the case on the merits. *See* Proposed Order ("The defendants shall use discovery material and its contents solely for the preparation, trial, direct appeal (if any), and collateral attack (if any) of this case and for no other purpose whatsoever.").

In response to the government's motion, Banks notes that while he does not object to the proposed protective order, he objects to the "breadth and scope" of the government's motion requesting said order. EF No. 52 at 1. Specifically, Banks believes the motion "suggests that the defense should not be able to reference names of uncharged people in its briefs to protect the

privacy of those third parties.” *Id.* at 2–3. Banks asserts that he “should not be barred from referencing the names of people and participants in conversations in his pretrial motions to protect his rights under the 6<sup>th</sup> Amendment.” *Id.* at 7.

Nothing in the unopposed proposed order prevents any of the Defendants from using discovery material in their motion practice in this case. To the extent that Banks needs to use “the names of people involved in the acts and occurrences that led to the charges in this case,” *id.* at 3, he is free to do so. The proposed order limits the disclosure of discovery material provided by the government to third parties unrelated to the litigation of the case, *see supra*, but does not limit the Defendants’ use of material for purposes of filing motions.<sup>1</sup> Nothing in the government’s motion for the protective order suggests otherwise. Nor does the government’s motion ask the Court to impose stricter conditions than what is contained within the proposed protective order.<sup>2</sup>

Accordingly, as all parties agree, the government requests that the Court enter the proposed order.

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/s/ Charles W. Kirkham

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<sup>1</sup> The Government is generally unopposed to requests to file documents under restricted access in high profile cases. Such practice avoids tainting potential jurors or bringing undue pressure on uncharged people or potential witnesses through news media reports of public filings.

<sup>2</sup> Banks also takes aim at the government’s case citations in its request for a protective order, stating that they are “wholly out of context.” ECF No. 53 at 5. The government’s citations support the proposition for which they were cited: that the “Court has the discretion to issue a protective order to prohibit unwarranted disclosure of [discovery] materials.” ECF No. 49 at 2.

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**CERTIFICATE OF SERVICE**

I hereby certify that this day, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification to all ECF participant(s) of this record.

Dated: January 29, 2025

/s/Charles W. Kirkham

Charles W. Kirkham

Assistant United States Attorney